

**REMARKS**

Claims 1-28 are currently pending and stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim language which the Examiner appears to believe is not enabled is “first control scheme” (Claims 1, 7, 8, 12, 17, 19, 20), “second control scheme” (Claims 1, 7, 8, 12, 17, 19, 20) and “conflict resolution scheme” (Claims 12, 18 and 19). Applicant respectfully asks the Examiner to reconsider this rejection in view of the below Remarks.

The enablement requirement of 35 U.S.C. 112 is concerned with whether the specification adequately describes how to make and use the invention. The analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. (see MPEP 2164.01). The standard for determining whether the specification meets the enablement requirement has been stated as follows: Is the experimentation needed to practice the invention undue or unreasonable? *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916); *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988); *United States v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988)(“The test of enablement is whether

one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.”). A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991).

Applicant respectfully submits that one reasonably skilled in the art could make and use the invention, including the features referenced by the Examiner, from the disclosure coupled with information known in the art without undue experimentation. Two of the terms the Examiner takes issue with are the first and second “control schemes.” These “control schemes” are specifically defined in Paragraph [0023] of the Specification itself as comprising “at least one, and preferably a plurality of, rules concerning actuation of actuators 126 in response to various sensor signals 310.” Similarly, the third claim term with which the Examiner apparently takes issue, the “conflict resolution scheme”, is defined in Paragraph [0025] of the Specification itself as comprising:

...one or more rules concerning how to resolve conflicts between other rules. These conflict control rules may be absolute (e.g., “Safety scheme rules are always given priority over actuator control scheme rules.”), or may depend upon sensed conditions of the vehicle (e.g., “When condition A is sensed, the rule contained in actuator control scheme X is given priority over the rule contained in actuator control scheme Y.”). Of course, conflict control rules may be significantly more complicated in order to resolve potential conflicts between a number of actuator control schemes faced with a number of sensed conditions.

Moreover, the Specification discloses that the control schemes and/or the conflict resolution schemes may be embodied in hardware, software, firmware and/or a pluggable module, and goes on to describe in detail the pluggable module exemplary embodiment.

Thus, the “schemes” that the Examiner believes are not enabled are defined by the specification itself as sets of rules which may be embodied in hardware, software, firmware and/or a pluggable module. Applicant respectfully submits that one reasonably skilled in the art could make and use the invention, including the various “schemes”, from the disclosure coupled with information known in the art without undue experimentation, as one with ordinary skill in the art could easily implement the disclosed sets of rules (control schemes) on one or more of the disclosed media.

Applicant notes that the Examiner himself has cited two references which clearly demonstrate that it was known in the art that brake system components can be controlled by using sets of rules (i.e., schemes) and sensor input. It should be noted, however, that neither reference discloses, teaches or suggests the required elements of the claims, i.e., first and second sets of rules (control schemes) used for controlling first and second types of brake components and/or

a conflict resolution set of rules (control scheme) used for resolving conflicts between control signals.

If the Examiner's objection is with use of the term "scheme", Applicant's undersigned representative would be happy to discuss replacing the term "scheme" with the term "set of rules" or the like, and the Examiner is invited to telephone Applicant's undersigned representative at the below telephone number.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-28, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



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**Amendments to the Drawings:**

No amendments are made to the drawings herein.